

House File 2452 - Introduced

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BY BENNETT

A BILL FOR

1 An Act relating to the issuance and execution of a search
2 warrant.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 808.4, Code 2022, is amended to read as
2 follows:

3 **808.4 Issuance.**

4 1. Upon a finding of probable cause for grounds to issue a
5 search warrant, the magistrate shall issue a search warrant,
6 signed by the magistrate with the magistrate's name of office,
7 directed to any peace officer, commanding that peace officer
8 forthwith to search the named person, place, or thing within
9 the state for the property specified, and to bring any property
10 seized before the magistrate.

11 2. The magistrate shall specify that the search warrant
12 shall be executed only during daytime hours unless the
13 magistrate authorizes the execution of the search warrant at
14 another time for good cause shown.

15 Sec. 2. Section 808.5, Code 2022, is amended to read as
16 follows:

17 **808.5 Execution.**

18 1. A search warrant may be executed by any peace officer
19 who shall be recognizable and identifiable as a uniformed
20 peace officer and who shall provide audible notice of the
21 peace officer's authority and purpose to the occupants of the
22 place to be searched reasonably expected to be heard by the
23 occupants of the place to be searched prior to the execution
24 of the search warrant. No persons other than those authorized
25 by **this section** shall execute search warrants except in aid of
26 those so authorized and on such authorized person's request,
27 the authorized person being present and acting.

28 2. The warrant ~~may~~ shall be executed in the daytime ~~or in~~
29 ~~the nighttime~~ unless a magistrate has authorized the execution
30 of the search warrant at another time for good cause shown
31 under section 808.4.

32 3. No peace officer shall execute or participate in the
33 execution of a no-knock search warrant. For purposes of this
34 subsection, "no-knock search warrant" means a search warrant
35 authorizing a peace officer to enter a certain place without

1 provided in Code section 808.4.

2 The bill provides that no peace officer shall execute or
3 participate in the execution of a no-knock search warrant,
4 defined in the bill.

5 The bill provides that after entering and securing the
6 place to be searched and prior to undertaking any search or
7 seizure pursuant to the search warrant, the peace officer
8 shall read and give a copy of the search warrant to the person
9 to be searched or the owner of the place to be searched or,
10 if the owner is not present, to any occupant of the place to
11 be searched. If the place to be searched is unoccupied, the
12 peace officer shall leave a copy of the search warrant suitably
13 affixed to the place to be searched.